

## **DETAILED ACTION**

### **Response to Amendment**

01 Amendment filed on 1/28/2010 has been entered and noted by Examiner. Claims 1-40 are pending.

### **Allowable Subject Matter**

02 Claims 1 and 20 are allowed over the prior art of record.

03 Applicant's arguments on pages 4-7 of the amendment filed 1/28/2010 form the bases for the reasons for allowance. Applicant's argument that the material of Tanaka is not compatible with the sol-gel method used in Akihio is persuasive.

04 Examiner notes that the attached reference, Partlow *et al.*, teach that vanadium oxide films are compatible with the sol-gel method.

05 Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Response to Arguments**

06 Applicant's arguments, see pages 4-7, filed 1/21/2010, with respect to claims 1 and 20 have been fully considered and are persuasive. The rejection of claims 1-40 has been withdrawn.

### **Conclusion**

07 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Britt Hanley whose telephone number is (571) 270-3042. The examiner can normally be reached on Monday - Thursday, 6:30a-5:00p ET.

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**08** If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on (571)272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

**09** Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Britt Hanley/ Examiner, Art Unit 2889	/Toan Ton/ Supervisory Patent Examiner, Art Unit 2889
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